

**COMMISSION CONFERENCE****MARCH 19, 2002**

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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

**I-A – Security Measures for Federal Courthouse –  
Proposal to Close Eastbound Lane of Northeast 1<sup>st</sup> Street**

A discussion was scheduled on an application received from the U.S. Marshall's Office to close the eastbound lane of Northeast 1<sup>st</sup> Street adjacent to the Federal Courthouse building in accordance with a security plan established by the Bureau of Alcohol, Tobacco and Firearms (ATF). The City Manager advised that the proposal had been distributed to the Commission, and there were representatives present from the U.S. Marshall's Office and the ATF. He stated that the Chief Judge had indicated that there was a strong desire for careful consideration of this request, and similar measures had been taken at other federal courthouses. Further, any new federal courthouses had requirements for buffers all the way around the facilities.

Mayor Naugle understood a compromise position had been suggested, with two lanes of traffic with a partial buffer. Mr. Hector Castro, City Engineer, presented sketches showing what had been requested and a potential compromise. He noted that the compromise provided for two-way traffic with 10' traffic lanes, and he pointed out that the minimum lane width in the downtown area were 9' wide.

Commissioner Hutchinson asked how one-way traffic would affect the garage. Mr. Castro stated that the Manager of the 101 Building had expressed concerns about the loss of two-way traffic.

*Mr. Ed Stubbs*, U.S. Marshall's Office, stated that this was the last of the courthouse security measures in his district, which extended from Key West to Fort Pierce. He reported that the country remained at "Code Yellow" status per the Homeland Security Director, which was a Level IV alert. Mr. Stubbs stated that a Level IV alert included reduced traffic around federal courthouses. He reported that everyone believed the United States government was still a target, so he was working with all the cities on good perimeter systems for federal buildings.

Mr. Stubbs reported that on 9/11/01, all the Chief District Court Judges from the entire nation had been in Washington, D.C., and he explained that this proposal addressed visible deterrents. He stated that an additional two court security officers, whose sole purpose would be perimeter security for 12 to 14 hours per day, would augment the security force. Mr. Stubbs said that guard shacks would also be provided.

Mayor Naugle asked where the guard shack would be located. Mr. Stubbs replied that it had not yet been finally approved, but he was sure something could be worked out that was aesthetically pleasing, and he did not envision a location on Broward Boulevard. He understood that the proposal for 1<sup>st</sup> Street could cause traffic issues, but there had been no problems in Miami, and he would be working with the County with respect to 3<sup>rd</sup> Avenue.

Commissioner Hutchinson asked if there were concerns about Broward Boulevard. Mr. Stubbs replied that the concerns were not as great on Broward Boulevard because the building was set back from the roadway some distance. *Mr. Bill Hamilton*, of the ATF, advised that ever since the Oklahoma City bombing, new courthouses were constructed with 100' setbacks. In Fort Lauderdale, the building was set back from the street, and there were stairs between the roadway and the building. He noted that all of the judges sat on the northeastern exposure.

*Mr. Norm Adams*, of the Trammel Crow Company, which was located across the street from the federal courthouse, said his firm certainly wanted to be a good neighbor, but he was absolutely opposed to a one-way closure. Mr. Adams stated that his company had recently completed a \$40 million office development on 1<sup>st</sup> Street at 3<sup>rd</sup> Avenue, and access to the property would be severely restricted with a one-way configuration on 1<sup>st</sup> Street. At this point, he did not know how the proposed two-lane compromise would affect the building, but 1<sup>st</sup> Street was the only access for large service trucks.

*Mr. Bill Carroll*, Vice-President of Property Management for Trammel Crow, was concerned about the security of the federal government. He also understood the need for a visible deterrent, but the proposal would be a visible deterrent to tenants of his building, which only had 25% occupancy at this time.

Commissioner Moore understood the logic behind this idea, but he was concerned about the type of closure proposed. He asked if two 9' lanes would be acceptable as suggested by staff. Mr. Stubbs believed that the "blast factor" was tremendously reduced as traffic lanes were moved away from buildings. He had discussed the idea with the ATF, but the whole idea was to protect against terrorist attacks. Mr. Stubbs said that this courthouse had never been optimal in terms of security and that was why another was going to be constructed, hopefully in Fort Lauderdale. He stated that his office would work with the community and do its best to preserve traffic movement while maintaining adequate security. Commissioner Moore understood Mr. Stubbs to be accepting of the idea of two 9' lanes.

Commissioner Moore felt the apparatus proposed to keep vehicles from getting too close to the building was ugly. He was concerned about the \$40 million office project with only 25% occupancy and wondered if some other method of closure could be considered. Commissioner Smith suggested bollards that collapsed into the street, so they could be latched down and additional security provided when moving trucks were servicing the building across the street. Mr. Stubbs said that type of system had been used in Key West, but he was not prepared to say now whether or not that would work in this location. Mayor Naugle thought allowing someone to park and unload in front of the courthouse was the very issue being addressed. He noted that the building managers could encourage after-hour deliveries and other operational measures, but collapsible barricades would defeat the purpose.

Commissioner Moore said he had been thinking of planters and other barricades that would deter vehicles from getting too close to the building without the ugliness of the "Jersey barricades." Mayor Naugle agreed they could be spaced so vehicles could not get through.

Mayor Naugle inquired about utilities under the roadway. Mr. Greg Kisela, Assistant City Manager, stated that staff would have to examine that issue, but these east/west corridors were typically full of utilities, including water, sewer, electrical and telecommunications lines. Mayor Naugle noted that bolted to the pavement might have to be used rather than items driven down into the street. Mr. Kisela agreed he would be very surprised if there were not various utilities under the ground in this location. Commissioner Moore wondered if the lines were under the road or the sidewalk.

Mr. Carroll stated that there were all sorts of utilities in the roadway, as he had learned during the recent project. In fact, he had been told that there might even be an issue with cable television lines for a tenant even though that involved some very thin lines.

Commissioner Katz noted that when the Trammel Crow building was under construction, the road had been closed completely, and everyone seemed to handle it just fine, so she did not understand why one-way westbound traffic was such a problem now. Commissioner Hutchinson understood the problem arose when trucks were unloading. Commissioner Moore had observed a truck unloading in the traffic lane yesterday, so the whole street would be blocked if a truck were servicing the building. Commissioner Hutchinson noted a concern with emergency vehicles. Commissioner Katz believed 3<sup>rd</sup> Street or 3<sup>rd</sup> Avenue could be utilized.

Commissioner Moore wondered where the U.S. Marshall's Office would recommend unloading procedures take place. Mr. Hamilton acknowledged that there was a problem in this respect, but the security personnel would work with the City to accommodate these types of issues. Commissioner Smith asked how the federal courthouse accommodated service trucks. Mr. Hamilton stated that there was a concrete area for trucks, and cones were placed during the process. In addition, the drivers were checked, and there were security officers on duty.

Commissioner Moore asked Mr. Carroll if he had considered the compromise position suggested by staff. Mr. Carroll replied that he had not been notified and had only heard about it late last week. Mayor Naugle felt the 6' buffer with two 9' lanes with something more attractive than bollards was something everyone could live with in light of the security situation.

*Mr. Rick Wells*, representing the owners of the Trammel Crow building, was sure everyone was understanding of the security situation since September 11<sup>th</sup>. In fact, the owners of the building were retired municipal employees in Michigan, so they were understanding of the limitations imposed by September 11<sup>th</sup>. Mr. Wells displayed a schematic of the building and pointed out that the only access to the building was off 1<sup>st</sup> Street. He guessed that large trucks were 9' or 10' wide, and he believed all access to the building would be cut off if there was a truck present, and the road was one-way only.

Commissioner Moore understood Mr. Wells could live with the two-way traffic with 9' lanes. Mr. Wells said he would like to study it. Mayor Naugle pointed out that the lanes on Andrews Avenue outside City Hall were 9' wide, so the traffic lanes would be similar in width. Mr. Wells said that as long as traffic could pass while a truck was servicing the building, there would not be a problem.

Commissioner Moore was not adverse to the idea of using bollards, but he was not familiar, and he had no objection to giving the idea consideration. It was the consensus of the Commission to approve two 9' lanes to provide a 6' clearance for the federal building. Mr. Hamilton stated that bollards were expensive. Commissioner Smith thought the owners of the building across the street might be willing to "chip in." Mayor Naugle suggested that an agreeable closure type be brought back to the Commission for consideration, whether it involved the use of bollards or not, that would perhaps be removable. He also requested a report on the utilities in the street.

Commissioner Moore inquired about the timeline for the new federal courthouse. He pointed out that this situation would be temporary, although he did not know the term. Mr. Stubbs stated that the Chief Judge was currently studying various proposals. However, he thought the timeframe was somewhere in the area of 5 years. The City Manager agreed it would probably be 5 years, although a site would be selected in a shorter timeframe. Commissioner Moore hoped the Chief Judge would be supportive of a Fort Lauderdale location.

**Action:** Approved as discussed. Recommendation to be presented for formal approval at a later date.

### **I-B – U.S.S. Hoga**

A discussion was scheduled on a proposal from the Marine Advisory Board to create a subcommittee, comprised of three members each of that Board, the Parks, Recreation & Beaches Advisory Board, and Riverwalk, Inc., to explore alternative locations for dockage of the U.S.S. Hoga. Mayor Naugle recalled that the City Commission had established a policy some time ago that its approval would be necessary when an advisory board wished to create a subcommittee as that involved staff time.

Commissioner Smith supported formation of a subcommittee as suggested, but he felt Dick Winer should sit as a non-voting member because there would probably be a lot of technical questions about the proposal that he could answer. It was agreed. Commissioner Katz thought a representative from the Coast Guard or the Navy could also provide some helpful information.

At 1:00 p.m., Commissioner Moore left the meeting.

Commissioner Hutchinson understood the Coast Guard to have indicated that this was outside its jurisdiction. It was the consensus to request the criteria from the Navy. Mayor Naugle summarized that the Commission approved formation of the subcommittee as suggested and desired the criteria from the Navy when the issue was brought back for formal approval. Commissioner Hutchinson said she would like the Chair of the Marine Advisory Board to serve on the subcommittee. Mayor Naugle suggested that the Chairs of the 3 boards involved be asked to select representatives. Commissioner Smith hoped the Navy would send a representative to address the first meeting of the subcommittee.

The City Manager reported that the Navy's criteria were spelled out in the Federal Register, so copies could be provided as necessary. Commissioner Smith wondered if the proposal seemed to meet that criteria. Mr. Jamie Hart, Supervisor of Marine Facilities, believed the organization had done a good job of meeting the criteria, although there were probably some details of the management plan that could be improved. He said he was not certain it would be possible to get a Navy representative to meet with the subcommittee because the personnel were based in Washington, D.C.

Mr. Chuck Adams, Manager of Redevelopment Services and Marine Facilities, reported that the Marine Advisory Board had already suggested 3 members to serve on the subcommittee. He added that the Chair of that Board had indicated she could not participate, and she would reach her term limit in May. Commissioner Moore wished to thank Mr. Hart for his efforts to accommodate the sailing vessel "Amistad."

**Action:** Approved as discussed.

#### **I-C – Florida Power and Light (FPL) Citizen Advisory Panel**

The City Commission was scheduled to nominate the remainder of the members to serve on the FPL Citizen Advisory Panel. Mayor Naugle nominated Tom Chancey, who was an arborist. He asked when the Panel would have its first meeting. The City Clerk believed it was scheduled for next week and agreed to provide the exact date.

**Action:** Tom Chancey nominated.

#### **I-D – Regional Activity Center (RAC) Subarea Mobility Study Advisory Committee**

The City Commission was scheduled to nominate 3 individuals to serve on the RAC Study Advisory Committee. (Also see Item B on the CRA agenda). The Commission appointed Sam Poole, Commissioner Hutchinson, and Hector Castro. Commissioner Smith said he would try to obtain the MPO appointment to the Panel. In addition, the Commission appointed Peter Feldman, Kim Jackson, and Commissioner Moore from the CRA.

**Action:** As discussed.

#### **I-E – Recruitment for City Attorney**

A discussion was scheduled on the proposed recruitment process to fill the City Attorney's position. A written report and recommendation had been provided. Mayor Naugle asked how many City Attorneys Fort Lauderdale had since it had been incorporated 92 years ago. The City Attorney believed there had been 14, but there had only been two in the past 20+ years. Mayor Naugle felt that should be mentioned, and Commissioner Smith pointed out that the City Attorney was resigning voluntary. The City Attorney agreed a telling statistic in this issue was that he had served in the position for more than 14 years, and Don Hall had been the City Attorney for about 8 years. Mayor Naugle thought that should be mentioned during the recruitment effort. The City Manager noted that the City had not had a full-time, in-house City Attorney before, but he did not know if the Commission wished to make that distinction.

Commissioner Smith did not feel the residency requirement had seemed certain in the distributed materials, and he felt the person filling the position should be a City resident. It was the consensus to require that the City Attorney reside within the City within 6 months of hire.

Commissioner Hutchinson was concerned that the process was a little restricted because the Charter required 2 years of experience, but this asked for 10 years of experience. She was concerned that might limit the applicant pool and suggested the requirement be reduced to 5 years of experience. She pointed out that some other cities had hired some very good attorneys with less experience. In fact, Hollywood's Jamie Cole was very good and only had 6 years of experience when he had been hired. Commissioner Hutchinson also felt the 5 years of experience should be in government, as opposed to only local government, and she thought supervisory experience was necessary.

Commissioner Moore felt 5 years of experience was a good minimum, but he felt some local government experience should be required. Mayor Naugle suggested the language that local government experience was preferred. It was agreed. Commissioner Smith could not imagine an attorney with only 5 years of experience having enough experience to be the City Attorney of Fort Lauderdale, but he did not mind allowing such individuals to apply.

Commissioner Moore felt some of the "examples of work performed" should be moved into a "required" category. He pointed out that the City Attorney supervised the work performed by his employees and oversaw government strategy in matters of litigation. The City Attorney believed the job description and proposed advertisement shown in Exhibit B would satisfy the concerns expressed. Commissioner Moore agreed it did as long as the experience was changed to 5 years.

Commissioner Moore wanted something in the application process that would ensure that the person hired would have an understanding as to the selection of outside counsel, when necessary. He wanted to know that the applicant had a strategy or philosophy in this respect. Mayor Naugle suggested that matter be explored during the interview process. The City Manager agreed this would be an appropriate line of inquiring during interviews.

Commissioner Katz was concerned about reducing the amount of experience from 10 years to 5 years. She pointed out that the City of Fort Lauderdale had gone through some major litigation and discrimination concerns over the past few years. She suggested at least 8 years of experience because Fort Lauderdale was unique. Mayor Naugle pointed out that an applicant might have practiced for 15 years in Boston, but had only been a member of the Florida Bar Association for 5 years. Commissioner Smith suggested 10 years of being a lawyer, with 5 years as a member of the Florida Bar Association. Mayor Naugle was comfortable with the 5-year experience requirement knowing that any applicant could be eliminated from consideration if the Commission did not feel the experience was sufficient.

Commissioner Moore wanted to ensure the City obtained a sufficient pool of candidates, which would be limited using a 10-year requirement, while applicants could be eliminated if the Commission did not feel the type of experience was sufficient. Commissioner Katz believed a desirable pool of candidates would be obtained if 8 years as a member of the Florida Bar were required.

Mayor Naugle thought an attorney with 10 years of experience would have to take a pay cut to come work for the City. Commissioner Katz did not think that was true. She pointed out that the County Attorney had an excellent reputation but had been willing to take the job. Commissioner Katz wanted the best and thought the standards should be high. It was the consensus of the Commission to call for applicants to have 5 years of experience as members of the Florida Bar Association.

Commissioner Hutchinson referred to advertising. She did not see the “Daily Business Review” listed. The City Attorney advised that it was somewhat expensive to advertise in that publication, although he was not suggesting the City “scrimp.” He said it could be added easily.

Mayor Naugle referred to the chart provided with respect to compensation. He felt the total compensation should be in the \$175,000 to \$225,000 range for someone with a law degree, depending upon qualifications, in order to attract someone very good. Mayor Naugle clarified that he was referring to the total compensation package, including benefits. Commissioners Smith and Hutchinson indicated their support. Commissioner Moore thought a range of \$150,000 to \$200,000 would be sufficient, but he would go along with the majority.

The City Attorney believed such a range would attract more than a few applicants, and he thought lowering the bottom of the range would be appropriate because the Commission might find someone with whom they “clicked,” but who had less than optimum experience, for example. However, he felt the \$225,000 at the top end would give the Commission some leeway. It was the consensus of the Commission to advertise a total compensation range of \$150,000 to \$225,000.

Mayor Naugle asked that the drafted advertisement be provided to the Commission for review before publication. Commissioner Moore thought the position should also be advertised with the NFBPA.

**Action:** Approved as discussed.

#### **II-A – Program Management Team’s Program Delivery Plan – Water and Wastewater Capital Improvement Program (CIP) Master Plan**

A report was presented on the Program Delivery Plan, including the ten-year project schedule for the City’s Water and wastewater CIP Master Plan.

**Action:** Status Report.

#### **II-B – Construction of Fire-Rescue Administration Building/Fire Station No. 2**

A status report was presented on the Fire-Rescue Administration Building/Fire Station No. 2 construction project.

**Action:** Status Report.

#### **OB – Downtown Development Authority (DDA) – Streetlight Selection**

*Mr. Jerry Sternstein*, of the DDA, exhibited the proposed streetlights for the downtown area. He advised that these lights had been selected in cooperation with EDSA planners. Commissioner Moore and Katz did not care for the suggested lights. Commissioner Smith preferred the “acorn” design. Mr. Sternstein said that something a little more modern and “cutting edge” had been desired. Mayor Naugle and Commissioner Hutchinson liked the lights suggested by the DDA.

Mr. Pete Sheridan, Engineering Division, reported that the project cost was \$3 million, of which the DDA was contribution \$2 million, and the City's Parks Bond would provide \$1 million. Ultimately, the City would become the owners of the improvements. Commissioner Katz understood this was being proposed throughout the downtown area in the long term. Commissioner Moore wondered how long it took to change the bulb. Mr. Sternstein stated that maintenance effort had been a concern.

Mr. Sheridan advised that the light shield would be melded into one, so the top would just have to be removed to change the bulb. He stated that the material was aluminum, with stainless steel bolts, and the poles would be concrete. Commissioner Moore did not find the fixture attractive. Mr. Sternstein noted that this design was not proposed for the Himmarshee area. *Mr. Jeff Sutter*, of EDSA, reported that 300 fixtures from 20 manufacturers had been considered. He noted that this fixture was similar to those used on the 17<sup>th</sup> Street Bridge, and it did not have a proprietary ballast.

It was the consensus of the Commission to see some other fixtures before rendering a decision. Commissioner Moore suggested that the top 5 designs be presented to the Commission. It was agreed.

**Action:** Additional designs to be reviewed on April 2, 2002.

### **III-B – Advisory Board Vacancies**

1. Community Appearance Board

Commissioner Smith wanted to appoint Sally Ketcham to the Community Appearance Board.

**Action:** Formal action to be taken at Regular Meeting.

2. Community Services Board

**Action:** Deferred.

3. Nuisance Abatement Board

**Action:** Deferred.

4. Unsafe Structures and Housing Appeals Board

Commissioner Hutchinson wished to appoint Ashley Goodwin, a General Contractor, to the Unsafe Structures and Housing Appeals Board.

**Action:** Formal action to be taken at Regular Meeting.

### **IV – City Commission Reports**

1. Greenways Plan

Commissioner Katz understood Commissioner Rodstrom intended to put an item on the April 2, 2002 County Commission agenda to consider adding A-1-A to the Greenways Plan. Commissioner Moore believed that had passed today at the County Commission level.

**Action:** None.

## 2. Knight Center Fellowship

Commissioner Katz reported that she had attended the Knight Center Fellowship last week, and she had met a lot of interesting people who were pursuing the concept of pedestrian-friendly, transit-oriented, green cities nationwide. She said that various agencies stood in the way due to out-dated thinking, but things were changing. In fact, there was discussion about rewriting the County's handbook relating to street widths and pedestrian features. Commissioner Katz thought she would be able to bring people and tools back to the City to address these issues.

Commissioner Katz felt the City Commission should consider its priorities and concerns over the next few months. Commissioner Smith thought that would come from the Urban Design Group. Commissioner Katz agreed some of it would, but she felt the Commission had to decide what was most important over the next 5 or 10 years because there were so many things going on in the City. For example, she wondered if the Commission wanted to take a position about residential uses on Federal Highway. Mayor Naugle believed it already had in some respects in light of New River Village. Commissioner Katz said that someone had asked her how she felt about residential use on Federal Highway in her district, and she had not really thought about it. Mayor Naugle thought the FEC corridor would have to be considered as well in light of the growing population.

Commissioner Smith inquired about transit impact fees. Commissioner Katz thought that was something that could be discussed. Mayor Naugle believed the term "impact fee" suggested application only to new facilities. Commissioner Smith thought a lot of expensive new development would come along, and he thought there should be some way to require the developers to contribute to mass transit. Mayor Naugle thought the best funding source for transportation would be the gas tax.

Commissioner Katz said her point was that the Commission needed to talk about short-range and long-range plans and set goals over the next few months. Mayor Naugle wanted to address livability. Commissioner Katz envisioned establishing goals for the next year, 5 years or 10 years. She wanted the City Manager to set some time aside for the purpose. Mayor Naugle wished to address the FEC corridor in terms of transit as other communities were concentrating on that corridor, such as Miami and Hollywood. Commissioner Katz agreed.

Commissioner Smith thought more specific direction was necessary or else the item brought back to the Commission would far too generic to achieve results. The City Manager suggested that he work with Commissioner Katz on an agenda and with the City Clerk on a schedule. It was agreed.

**Action:** As discussed.

### 3. Lincoln Park

Commissioner Katz reported that Mickey Hinton had come to see her and indicated that the neighborhood did not want the development at Lincoln Park. Commissioner Moore said he had a petition from the community indicating otherwise, and Mr. Hinton should have come to him rather than to those who were opposed to the project. He said he had offered to meet with Mr. Hinton and address his concerns because he certainly would not want to force anything on anyone, but sometimes it was necessary to make a decision that would impact a few in order to benefit the many. Insofar as revisiting the entire issue, Commissioner Moore did not support that because there would always be someone who opposed anything, but he would exhaust every possibility to make Mr. Hinton happy.

Mayor Naugle said he had reviewed the plans, and it appeared there had been an oversight because the dumpster was shown facing Mr. Hinton's front door. He was also quite disappointed in terms of the Post Office because even though it had been indicated the crime prevention through design principles would be observed, but that had not occurred. He felt the City needed someone like Paul Urshalitz to oversee these types of projects. Commissioner Moore agreed he wanted a building that would have a positive impact on this neighborhood.

Commissioner Smith asked Commissioner Moore if he could convince Mr. Hinton and others that this would be a good thing for the community because he had been told that there were 100 people who opposed the project. Commissioner Katz said the list she had seen had contained 22 names. Commissioner Moore reported that most of the people on that list did not live in the City. He stated that the wide majority supported the project, although it was not 100%, and he could think of no project that had received total support. Commissioner Smith hoped Commissioner Moore would keep the Commission informed if there was anything that could be done to gain support. Commissioner Moore said he would be happy to do so.

Commissioner Moore noted that how cars were parked on the site had come up, although it would cost more money. He was willing to explore the idea, however. Mayor Naugle recalled an idea about placing parking on the roof in order to provide more open space at the ground level. Commissioner Moore agreed such ideas would help a great deal, but staff had designed the building to work within the budget provided. He thought some additional features might make the project more palatable, but most of those who objected did not live in Fort Lauderdale.

**Action:** As discussed.

### 4. Campaign Finance Reform Ordinance

Commissioner Smith inquired about the status of the campaign finance reform ordinance. The City Attorney thought it would be ready within weeks. Commissioner Smith thought that prohibiting political action committees (PACs) from donating had no precedence, so he felt it could be more easily challenged. The City Attorney agreed it had significant risk. Mayor Naugle believed severability language could be included so if that aspect was challenged, the rest of the ordinance would not be at risk. The City Attorney agreed that was often done and sometimes worked, and that language could be included.

Mayor Naugle did not believe Congress allowed corporate donations, but it did allow contributions from PACs. The City Attorney agreed that was correct. Mayor Naugle felt corporations could circumvent it that way. Commissioner Moore felt PACs were more of a concern, but he still believed corporations had a right to have a voice in government. He pointed out that corporations were taxed and were major employers, and he thought it would be inappropriate to now allow a voice from entities on which government had substantial impact.

Mayor Naugle noted that Congress did not accept corporate donations. Commissioner Moore pointed out that local government address the construction of corporate facilities, licensing, etc., that had direct bearing on corporations. He understood he was in the minority, but he felt entities that were taxed and impact should have a right to contribute to campaigns.

The City Attorney advised that the ordinance would be presented to the Commission on April 23, 2002. Mayor Naugle suggested that it be advertised with a prohibition on PAC contributions, as that could always be removed later, but it could not be added. It was agreed.

**Action:** As discussed.

#### 5. Annexation Legislation

Commissioner Smith said he had spoken with Jack Seiler, who was not in favor of the annexation legislation unless cities had real input “at the end of the line.” Mayor Naugle inquired about the vote in the House. Commissioner Moore did not know the vote, but the legislation had passed. Commissioner Smith wondered if an attempt could be made to get it amended in the Senate so cities would have veto power or at least revenue-neutrality. Commissioner Moore did not feel the various conditions, etc., should be included in the legislation. Rather, he thought the legislation should simply be a transfer to the County as it was now done through the State, with creation of an annexation committee to establish policies and procedures.

Commissioner Smith pointed out that there were County Commissioners who represented cities that would not experience negative impacts if all of the areas that would be revenue negative were annexed into one city. Commissioner Moore understood there were two areas that would probably have a negative revenue impact if annexed, but he believed those issues could be worked out in cooperation with the County.

Mayor Naugle was certain the City would lose money with the annexation of Melrose Park and the Riverland area. Commissioner Moore was not so certain. Mayor Naugle believed the greater evil would be transferring the legislative power to the County Commission because he believed it would remove Port Everglades from Hollywood and Fort Lauderdale, which would result in a great loss of dollars. Commissioner Moore did not think that would happen because the legislation referred to the remaining unincorporated areas as opposed to areas already within corporate limits. Mayor Naugle felt one of the ways the language could be interpreted was that it would allow deannexation, too, and many communities viewed it that way.

Commissioner Smith was not sure what the best approach would be. Commissioner Katz suggested working through the City's lobbyist to include language so the legislation would work for cities. Mayor Naugle felt all annexations should occur with the consent of the affected city. He pointed out that the City had taken the position that it would welcome any unincorporated area that would break even from a revenue standpoint, but he was concerned that there were legislators who would play the "race card." Commissioner Smith suggested that some new language be developed to add to the House Bill. Mayor Naugle felt the people in the affected areas should have a vote, too.

The City Manager advised that if the Representative Ritter's bill passed, it would require an interlocal agreement between the County and the annexing municipality that would set forth all the issues. He felt the County should let the cities know what would be coming with an area, such as Community Development Block Grant funds, commitment to infrastructure, etc. Mayor Naugle was concerned about operating expenses. The City Manager did not know if the County would be willing to go so far in providing funding for operating costs for some period of time if an area was not revenue neutral.

Commissioner Moore thought a CRA would be an easy way to address it. Mayor Naugle believed the CRA would depend upon assessments at some future time. Commissioner Smith thought it would be a tool to attract development. Mayor Naugle felt the interlocal agreement should address operating expenses. Commissioner Moore agreed, but he thought the important thing was a willingness to discuss and negotiate in a creative manner.

Mayor Naugle advised that Commissioners Rodstrom and Scott both expressed great concerns the bill, while Commissioners Eggellation and Parrish were cautious. Commissioner Katz agreed with Commissioner Moore that there had to be two parties willing to negotiate. Commissioner Moore believed the County Commission would find a way to make it work because they had constituents to answer to.

**Action:** As discussed.

6. Beach Lifeguard Stands/CVC Project

Commissioner Smith understood the new lifeguard stands had been completed, and they were lovely. However, they had received some terrible press, and he wanted a demonstration. He believed there would be five tall, wooden stands that would stay, but they needed painting badly. Therefore, he suggested a Citizens Volunteer Corps (CVC) project to paint them and arrange a lifesaving demonstration for the citizens and have an alumni photo taken of the 250-member CVC. Mayor Naugle thought the incoming CVC Chair would be thrilled to do this as a first project. Commissioner Smith did not wish to impose a project if the new Chair had something else in mind. Mr. Kisela believed something could be arranged before the Air & Sea Show.

**Action:** As discussed.

7. Trees on Federal Highway

Commissioner Hutchinson was disgusted that the trees had not been replaced on Federal Highway. Mr. Kisela stated that bids were due Wednesday, and the award of a contract would be on the April 2, 2002 agenda. He believed 75 trees would be planted. Mayor Naugle had heard there was some sort of delay involving the County. Mr. Kisela reported that the County had committed \$55,000 in funding.

Mayor Naugle asked if shade trees had been discussed. Commissioner Smith believed there were 5 or 6 shade trees, and the trees being planted could be easily be moved without hurting them. Mayor Naugle said that if the Airplane Parade was going to be approved again in the future, he would expect a plan for replacement of the trees the day after the event. Commissioner Hutchinson said she would not support the event again.

**Action:** As discussed.

8. Wingate Event

Commissioner Moore reported that the Community Advisory Committee for the Wingate site wanted to plan an event for April 27, 2002, and he wanted to ensure that would be a good date for the Commission.

**Action:** Date and time of event to be provided.

9. Use of Schools for Civic Association Meetings

Commissioner Moore reported that the Riverland community had been using an elementary school for its meetings, but the principal had indicated they would now be charged for the use of the cafeteria. Commissioner Smith agreed that had happened at Bennett Elementary and Lake Ridge. Mayor Naugle asked about the amount of the charge, and Commissioner Smith said it was \$160. Commissioner Moore understood the issues, but the City was sharing properties and even giving up its properties for students of the School system. He did not think it was appropriate for the schools to charge for use of their facilities.

Commissioner Moore suggested a letter from the Mayor to school principals, the Area Superintendent, and School Board members. He felt they should be put on notice that the City had a real concern when the community could not use the buildings they had paid for. Mayor Naugle suggested the School Board members be invited to the April 2, 2002 meeting to discuss the subject. Commissioner Moore had no objection to the idea as long as the message was sent.

Commissioner Katz suggested an interlocal agreement. Commissioner Moore agreed that a simple interlocal agreement could be devised, limited to civic association meetings. The City Manager suggested a resolution to the School Board about waiving the fees for civic association meetings. He did not know what sort of policy the School Board had, but a resolution could be crafted after some research was conducted for consideration on April 2, 2002. It was agreed. Commissioner Moore pointed out that the City shared its facilities with the schools, and he felt the schools should do the same or it might become necessary for the City to charge similar fees.

**Action:** Resolution to be presented on April 2, 2002.

10. CSX Railroad at 6<sup>th</sup> Street

Commissioner Moore referred to the CSX railroad crossing at 6<sup>th</sup> Street near I-595. He reported that there was a problem with the crossing gates coming down when no trains were coming. It blocked traffic and occurred on a repetitive basis. He asked staff to address the situation because people were taking risks scooting around the gates because they malfunctioned so frequently.

**Action:** Staff to investigate.

11. "Two Wheels On, Two Wheels Off" – Lauderdale Manors

Commissioner Moore believed the Commission had agreed to a trial period involving parking half on and half off swales in Lauderdale Manors two years ago, but it had apparently not been implemented. Mr. Kisela advised that an ordinance amendment would be necessary. Commissioner Moore felt whatever was necessary should have been done long ago.

**Action:** Ordinance to be presented on first reading on April 2, 2002.

12. 7<sup>th</sup>/9<sup>th</sup> Avenue Connector

Commissioner Moore reported that today the County Commission had approved a four-lane connector on 7<sup>th</sup>/9<sup>th</sup> Avenue, after 15 years of effort on the part of the surrounding community. He noted that Dennis Girigsen, of the Engineering Division, had done an excellent job preparing data, and he wished to take this opportunity to commend him on the effort. Commissioner Moore added that the County Commission had also approved two lanes on Sistrunk Boulevard so design of that concept could go forward as well.

**Action:** None.

13. Airport Advisory Committee

Mayor Naugle reported that he had received a call from the County requesting an appointee to the Airport Advisory Committee from the Edgewood neighborhood. Mayor Naugle suggested the appointment of Scott McLeod. Mr. Witschen advised that the resolution from the County actually called for representation from neighborhoods to the north of the Airport, so that would allow for appointments from Edgewood and other neighborhoods to the north.

Commissioner Smith felt Commissioner Hutchinson should represent the neighborhoods to the north. Mayor Naugle did not know if elected officials were allowed but, if so, that would be a good idea. The City Manager noted that there was a newly-annexed neighborhood in the area. Mr. Witschen advised that the first meeting was scheduled for tomorrow; according to information he had received about an hour ago. Commissioner Hutchinson agreed to attend the first meeting tomorrow to find out more about it before appointing a second individual to serve in addition to Mr. McLeod. It was agreed.

**Action:** As discussed.

At 2:40 p.m., Commissioner Moore left the meeting. He returned at 2:41 p.m.

14. Dillard Basketball Team – State Championships

Mayor Naugle reported that the Dillard High School Basketball Team had won the State Championships again, and he hoped the City could help plan some type of celebration or parade. Commissioner Moore said he had met with some individuals about an appropriate tribute to this team, which had won three State Championships. He said one proposal was to try to obtain some tickets to a Miami Heat game and some jerseys, and to work with the promotional department of that team on some form of recognition. Commissioner Moore did not believe the idea of a parade had come up, but he felt that might be very appropriate.

**Action:** As discussed.

## **V – City Manager Reports**

### **1. Meeting with U.S. Commission on Civil Rights**

The City Manager reported that a request had been received from Jeff Gorley for a meeting with Bobby Doctor, Regional Director of the U.S. Commission on Civil Rights. He noted that the best advice from counsel indicated that since the City was involved in litigation in this regard, it might be better to have individual meetings with the City Commissioners. However, Mr. Doctor preferred a public type of meeting. He requested direction from the City Commission in this regard because individual Commissioners had indicated a willingness to participate in such a meeting. The City Manager was concerned that this type of uncontrolled session might not be very productive, but he was aware of perceptions about meetings outside the public view.

Commissioner Moore asked if Mr. Doctor had been specific about his intent for such a meeting. Mayor Naugle replied that he had spoken to Mr. Doctor, who wanted to discuss his concerns and how the City was addressing the situation. He had advised him that a special meeting could be held, but none of the cases being litigated would be discussed. The City Manager noted that March 26, 2002 had been suggested as the date for a meeting. Mayor Naugle was available at 3:00 p.m. on that date, as long as no specific cases were discussed. Commissioner Smith said he had been in favor of a public meeting in this regard all along. Commissioner Katz was not available on that date. She did not mind if the Commission went forward without her, but she wanted to be assured that a public discussion would not influence any future jury pool.

Commissioner Moore felt there should be a letter from Mr. Doctor in this regard in order to put something on the record. He said he would be agreeable to meeting with the Civil Rights Commission, but he had not seen a formal request from that organization. Commissioner Moore was not sure it was appropriate for Mr. Gorley to act as some type of intermediary for the officials of the Civil Rights Commission. He thought that if Mr. Doctor wanted a meeting, he should present a formal request.

Mayor Naugle asked the City Manager if he had received a letter from Mr. Doctor. The City Manager replied that he had, but it had been in response to some other correspondence. He explained that Mr. Doctor had been quoted in a newspaper article, and the City Manager had written to him in that regard.

Mayor Naugle did not want to ask Mr. Doctor for a letter. Commissioner Moore explained that he had never seen any request for a meeting from the Civil Rights Commission. Commissioner Smith viewed this as an opportunity. He pointed out that an African-American operated this City, and many of the department heads were minorities. In fact, he felt Fort Lauderdale far exceeded the diversity demonstrated by most of the other cities in Broward County, and he would be thrilled to tell the City's story if Mr. Doctor was willing to hear it. Commissioner Moore was happy with the idea of a meeting, but he felt there should have been a formal request. Commissioner Katz agreed this had not been handled very professionally. Commissioner Moore said he would have reacted differently under different circumstances.

Commissioner Hutchinson asked that the meeting be held later in the day on March 26, 2002, perhaps at 3:30 p.m. The City Manager said he would make that request by letter. Commissioner Moore asked him to copy Mr. Gorley. The City Manager disclosed that he had offered to provide all the information in this regard, up to and including the same presentation made to the Broward County Human Rights Board, to Judge Latimer and others because he thought information provided previously might have been somewhat biased.

**Action:** As discussed.

At 2:57 p.m., the meeting was recessed for a meeting of the Community Redevelopment Agency (CRA). The meeting was reconvened at 3:00 p.m.

Mayor Naugle announced that the City Commission would now meet privately regarding litigation strategy in connection with the following cases:

Deedre Hurley – Workers Compensation Case No. WC 99-10340

Eleanor Cleary – Workers Compensation Case Nos. WC 98-9808 and WC 99-10033

The meeting was recessed at 3:01 p.m. It was reconvened at 3:27 p.m.

Mayor Naugle announced that the City Commission would now hold a closed-door session for the purpose of collective bargaining strategy discussions concerning the FOPA and health insurance benefits.

Meeting adjourned at 3:28 p.m.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.